

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:05-CR-542-1
	§	
DELVIN DEMON MOORE; aka BOO MAN	§	

ORDER


Pending before the Court is Defendant Delvin Demon Moore's letter request for a copies of multiple documents from his criminal case. D.E. 592. The letter motion is denied in part.

Moore was sentenced in 2007 to 360 months in the Bureau of Prisons for his part in a conspiracy to possess with intent to distribute more than 5 kilograms of cocaine. D.E. 399. Since that time, Moore's conviction and sentence were affirmed on appeal and his motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 was denied. D.E. 494, 562. The Fifth Circuit denied a Certificate of Appealability from the denial of his § 2255 motion and dismissed his appeal in January 2010. D.E. 587.

An indigent defendant has a statutory right to free court documents in particular circumstances. See 28 U.S.C. § 753(f); United States v. MacCollum, 426 U.S. 317 (1976). The defendant must establish, that the documents are needed to decide an issue in a pending suit and that the suit is not frivolous. 28 U.S.C. § 753(f); see also United States v. Herrera, 474 F.2d 1049, 1049-50 (5th Cir. 1973) ("This Court has consistently held that a federal prisoner is not entitled to obtain copies of court records at the government's expense to search for possible defects merely because he is indigent.").

Because Moore has nothing pending in this Court or in the Fifth Circuit, other than the present motion, and he has already filed and had determined on the merits his one motion pursuant to 28 U.S.C. § 2255, the Court DENIES his letter request (D.E. 592) for copies of transcripts and other documents at government expense. The Court instructs the Clerk to send Moore a copy of his docket sheet and information from which he can determine the cost of the documents he wishes to order.

SIGNED and ORDERED this 4th day of January, 2013.



Janis Graham Jack
Senior United States District Judge